

Attorney Docket No.: C4314(C)
Serial No.: 10/559,781
Filed: December 8, 2005
Confirmation No.: 8036

REMARKS

Reconsideration of the application is respectfully requested.

Applicants confirm the election without traverse of claims 1-16 and 18.

Claims 1-16 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/072747 in view of Baker (US 2002/0082188) or Velazquez et al. (US 6,458,754). Claims 1-7, 9-14, 16 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/52124 in view of Severns et al. (US 6,184,188) or Baker. Claims 1-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/39406.

Applicants respectfully traverse the rejections. Neither WO 02/072747 (Unilever), WO 00/52124 (Procter and Gamble) nor WO 98/39406 (Procter and Gamble) teach or suggest that aldehydic perfumes are detrimental to the activity of a composition comprising a transition metal catalyst that is substantially absent of a peroxygen bleach.

The present invention is based at least in part on the discovery that there is a significant reduction in transition metal catalyst activity when formulated with aldehydic perfumes without an antioxidant. This is demonstrated in the examples of the specification. The reduction in activity is demonstrated to be caused by aldehydic perfumes. Furthermore, the reduction in activity is shown to be ameliorated by the presence of an antioxidant. The present invention permits the use perfume notes that would otherwise not be available for such a formulation.

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Baker discloses a treatment composition for shoes. Although Baker discloses lillial, it does not disclose the amount of aldehydic perfume components in the perfume composition. A perfume composition is a complex mixture and this is indeed confirmed by reference to part of [0431] and [0432] of Baker where the following is found:

"Any type of perfume can be incorporated into the composition of the present invention. Nonlimiting examples of such perfume ingredients include aromatic and aliphatic esters, aliphatic and aromatic alcohols, aliphatic ketones, aromatic ketones, aliphatic lactones, aliphatic aldehydes, aromatic aldehydes, condensation products of aldehydes and amines, saturated alcohols, saturated esters, saturated aromatic ketones, saturated lactones, saturated nitrites, saturated ethers, saturated acetals, saturated phenols, saturated hydrocarbons, aromatic nitromusks and mixtures thereof, as more fully described in U.S. Pat. No. 5,939,060 and Canadian Patent No. 1,325,601. Other perfume ingredients are described in U.S. Pat. Nos. 5,744,435 and 5,721,202.

[0432] Terpene oils can also be included into the treating compositions of the present invention as perfume ingredients. Nonlimiting examples of suitable terpene oils are described in U.S. Pat. No. 4,598,994 and include anise, cinnamon, clove, coriander, eucalyptus, fennel, lavender, lemon, orange, orange flower, perppermint, pine, spearmint and compound bouquets thereof."

US 6,458,754 (Velazquez) discloses an encapsulated perfume and hence the perfume is segregated from other components in any mixture to which the encapsulated perfume is added. If a perfume is encapsulated then there is most likely no interaction with other components in a formulation to which it is added. The

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Examiner states that there is an aldehydic perfume disclosed in US 6,458,754 and that this would be then incorporated in WO 02/072747 (Unilever), WO 00/52124 (Procter and Gamble) or WO 98/39406 (Procter and Gamble). Applicants respectfully disagree. Perfume compositions are complex mixtures and the disclosure of an aldehydic perfume does not disclose between 0.001 to 3 wt/wt% a perfume composition in the formulation of which at least 0.01 wt % is an aldehydic perfume.

The concept of using a perfume composition having at least 0.001 wt % of an aldehydic perfume is not a standard perfume composition. A perfume composition is complex and there are a multitude of notes that may be selected to make the perfume composition. These notes come from many different chemical functionalities. Applicants enclose for the Examiner's interest a copy of an article by Robert J. Steltenkamp from Journal of the American Oil Chemists' Society Volume 45, Number 6 / June, 1968 page 429 to 432. This article also discusses the complexity of perfume compositions.

The Abstract of the article teaches that:

Detergents constitute a low-price, bulk item, which consumes a large quantity of aromatic materials. Detergent perfumes must not only meet the normal requirements of odor and stability but also strict demands in low price and high availability.

The perfumes used in detergents are normally a complex mixture consisting of synthetic materials produced from either petroleum or coal tar products, isolates of natural products or synthetics derived from isolates and natural products such as the essential oils.

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The synthetics and isolates which are commonly used in detergent perfumery are discussed with their methods of production. The essential oils that can meet the demands of price and availability are listed.

The complexity of perfumes is further confirmed by a simple reference to US 6,458,754; see Table 1 and Table 2. Example 1, column 5, line 55, to column 6, line 10, of US 6,458,754 discloses a perfume oil composition suitable for encapsulation but this does not disclose that a single encapsulated perfume composition is to be used is to be used in a detergent formulation.

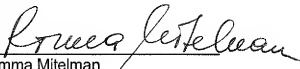
One of ordinary skill in the art, who has not had the benefit of hindsight afforded by the present disclosure, would not have been led by the combined teachings of WO '747, WO '124 or WO '406 combined with either Baker or Velazquez to arrive at the present application. The combination of any one of the primary references by with U.S. '754 would not have occurred to one of ordinary skill in the art because U.S. '754 teaches encapsulating perfumes. It is not seen how one of ordinary skill in the art would have been led to incorporate perfumes of U.S. '754 especially specific perfume that contains at least a certain amount of an aldehydic perfume as recited by the present claims into detergent compositions while leaving out the encapsulation out as taught by U.S. '754.

In light of the above remarks, it is respectfully requested that the obviousness rejection be reconsidered and withdrawn.

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If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,


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